

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
W side of Rockland, 78 feet +/- N of c/l of		
Old Pimlico Road	*	DEPUTY ZONING
Election District		
Councilmanic District	*	COMMISSIONER
(7000 Rockland Hills Drive)		
	*	FOR BALTIMORE COUNTY
Anshe Emunah-Aitz Chaim-Tifereth		
and Jeffrey L. Forman, Esquire		
<i>Petitioners</i>	*	Case No. 08-446-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 7000 Rockland Hills Drive. The Petition was filed by Jeffrey L. Forman, Esquire, on behalf of Anshe Emunah-Aitz Chaim-Tifereth, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm that preparation of food with religious restrictions is a permitted accessory use; and for such other and further relief as may be required. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing was Jeffrey L. Forman, Esquire on behalf of Petitioner, and Lawrence E. Schmidt, Esquire, attorney for Petitioner. Mical Wilmoth Carton appeared as an interested citizen on behalf of the Pikesville Greenspring Community Coalition. There were no Protestants or other interested persons in attendance at the hearing.

The testimony and evidence offered revealed that the subject property is an irregular-shaped property containing approximately 3.61 acres of land zoned primarily D.R.16 with a small section of D.R.2 in the northwest area of the property. The property is located near the

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intersection of Old Pimlico Road and Rockland Hills Drive in the Pikesville area of Baltimore County. Petitioners submitted two aerial photographs of the property which were marked and accepted into evidence as Petitioner's Exhibits 3A and 3B. The property is comprised of two lots that house the Moses Montefiore Anshe Amunah Hebrew Congregation (hereinafter referred to as the "Liberty Jewish Center" or the "Congregation"). The lots are improved with an existing two-story synagogue and accompanying parking area. The request for special hearing does not propose to alter the existing property, but seeks to legitimize the existing use of the synagogue's kitchen -- which occasionally prepares kosher food to be served off-site -- as a permitted accessory use.

Further evidence indicated that the Liberty Jewish Center has existed in its current location since 1992 after the Mercantile Club discontinued its use of the subject property as a country club. Petitioner's attorney, Mr. Schmidt, submitted a copy of an opinion from the County Board of Appeals in Zoning Case Number 92-497-SPHA to show the initial use of the property as the Liberty Jewish Center. This opinion was marked and accepted into evidence as Petitioner's Exhibit 2. The relief requested by Petitioner was described in greater detail through the testimony of Jeffrey Forman, who is a local attorney and member of the Congregation, and also serves as Treasurer of the Liberty Jewish Center. Mr. Forman explained that the synagogue kitchen is used primarily to prepare kosher meals that are consumed on-site by members of the congregation for events such as weddings and Bar/Bat-Mitzvahs. Occasionally, however, the kitchen will prepare kosher meals for off-site consumption such as when an Orthodox Jewish person is housed at Johns Hopkins Hospital or when a kosher meal is required for an outside event, such as at a suite at Oriole Park at Camden Yards. In an abundance of caution, Petitioners pursued the requested special hearing to legitimize the occasional preparation of kosher meals for off-site consumption

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as a permitted accessory use. Petitioners have no interest in expanding the use of the kitchen to create a catering business, but simply aim to legitimize existing conditions on the property.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated April 8, 2008, which indicate that they do not object to the requested special hearing as it seems reasonable that preparation of food with religious restrictions is an accessory use to the principal use of religious institutions.

Section 101 of the B.C.Z.R. defines an "accessory use or structure" as

[a] use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.

Based on the testimony and evidence presented, I am persuaded to grant the special hearing relief and to confirm that the preparation of food with religious restrictions is a permitted accessory use on the subject property. During his testimony, Mr. Forman explained in great detail the complex process of preparing a kosher meal, which is an important and mandatory requirement for persons of the Orthodox Jewish faith. Indeed, in a moment of levity, Mr. Forman stated: "eating kosher means a lot more than simply eating Hebrew National Hotdogs."

Each step of preparing a kosher meal, beginning with the method in which animals are raised to the method in which meat is blessed, packaged and cooked, requires strict adherence to religious principles. Simply put, in order for a kitchen to remain kosher, entirely separate utensils must be used for meat and dairy products, which cannot mix in any way or the meal will not be considered kosher. A kosher kitchen may go so far as to discard or bury any utensil designated for meat that accidentally touches a dairy product. Due to the many rules and restrictions that go into

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preparing a kosher meal, there are few options for Orthodox Jewish persons who wish to eat outside of their own households. Thus, the occasional use of the Liberty Jewish Center kitchen to prepare kosher meals seems more than permissible -- it seems necessary to provide local residents adhering to Orthodox Jewish principles with an alternative method of obtaining a religiously approved meal outside the home.

In my judgment, Petitioner's current use of the synagogue's kitchen is appropriate as an accessory use and will not be detrimental to the health, safety, or general welfare of the surrounding locale. Petitioners have no interest in expanding the current use of the kitchen to operate a catering business, and only seek to legitimize existing conditions. The rare occasions when a kosher meal is prepared for off-site consumption include situations when an Orthodox Jewish person is confined to Johns Hopkins Hospital, an event taking place offsite requires kosher meals, or when an Orthodox Jewish Congregation is passing through the area from out of town and is in need of kosher meals during their trip. I cannot find any reason why the use of the Liberty Jewish Center kitchen for these helpful purposes should be prohibited. Furthermore, given the fact that kosher meals are mandatory for Orthodox Jews, and the lack of suitable alternatives for preparation outside of their homes, I find that the requested relief furthers the religious freedom of Jewish people throughout the area¹, and in particular Baltimore County, without having any negative impact on the surrounding locale.

¹ Although the Religious Land Use and Institutionalized Persons Act ("RLUIPA") is not directly implicated by the instant variance request, it is noteworthy based on the religious nature of the relief requested. When the terms "religion" and "zoning" are mentioned in the same sentence, the idea of religious freedom may be at the forefront. The Act, found at 42 U.S.C., Section 2000cc-1, et seq., is a federal law enacted by Congress in 2000 that prohibits the imposition of substantial burdens on the ability of prisoners to worship during their confinement, as well as making it easier for churches and other religious institutions to avoid state restrictions on their property use through zoning laws.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's request for special hearing should be granted with conditions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 6th day of May, 2008 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm that preparation of food with religious restrictions is a permitted accessory use is hereby GRANTED subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RESERVED FOR FILING
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5.6.08
PM



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 6, 2008

LAWRENCE E. SCHMIDT, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 08-446-SPH
Property: 7000 Rockland Hills Drive

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "TH. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Jeffrey L. Forman, Esquire, 406 West Pennsylvania Avenue, Towson MD 21204
Mical Wilmoth Carton, Executive Director, Pikesville-Greenspring Community Coalition,
Inc., 3004 Old Court Road, Pikesville MD 21208



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7000 Rockland Hills Drive
which is presently zoned D.R. 16 & D.R. 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

- 1) Confirm that preparation of food with religious restrictions is a permitted accessory use; and
- 2) For such other and further relief as may be required.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt

Name - Type or Print City

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200 (410) 821-0070

Address Telephone No.

Towson MD 21204

City State Zip Code

Legal Owner(s):

Anshe Emunah-Aitz Chaim- Tifereth

Name - Type or Print

Signature

Jeffrey L. Forman, Esquire

Name - Type or Print

Signature

406 West Pennsylvania Avenue 410-823-5700

Address Telephone No.

Towson MD 21204

City State Zip Code

Representative to be Contacted:

Lawrence E. Schmidt

Name

600 Washington Avenue, Suite 200 (410) 821-0070

Address Telephone No.

Towson MD 21204

City State Zip Code

OFFICE USE ONLY

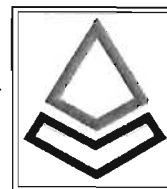
ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 2008-0446-SPH

Reviewed By JF Date 3/25/08

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5-6-08
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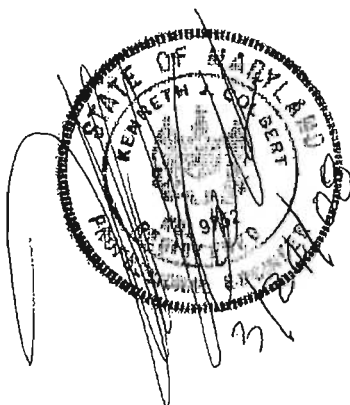


**ZONING DESCRIPTION
LIBERTY JEWISH CENTER
7000 ROCKLAND HILLS DRIVE**

Beginning at a point on the west side of Rockland Hills Drive, which is 70 feet wide, at a distance of 78± feet north of the centerline of Old Pimlico Road, which is 70 feet wide, thence the following courses and distances:

S 86°15'00" W, 287.00 ft.;
N 03°45'00" W, 11.00 ft.;
S 86°15'00" W, 31.00 ft.;
S 03°45'00" E, 36.00 ft.;
S 86°15'20" W, 167.00 ft.;
N 03°45'00" W, 142.00 ft.;
S 86°15'00" W, 55.00 ft.;
N 03°45'03" W, 180.00 ft.;
N 86°15'00" E, 540.00 ft.;
S 03°45'00" E, 297.01 ft. to the Point of Beginning

Being Lot 1 and a portion of Lot 2, which is recorded in Plat Liber 66, Folio 141, and containing 3.62 ± acres. Also known as #7000 Rockland Hills Drive and located in the 3rd Election District, 2nd Councilmanic District.



NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #2008-0448-SPH

7000 Rockland Hills Drive

W/side of Rockland at a distance of 78 feet +/- north of c/line of Old Pimlico Road

3rd Election District - 2nd Councilmanic District

Legal Owner(s): Anshe Emunah-Aitz Chaim-Tifereth

Special Hearing: to confirm that preparation of food with religious restrictions is a permitted accessory use; and for such and further relief as may be required.

Hearing: Wednesday, April 23, 2008 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4/725 Apr. 8

169793

CERTIFICATE OF PUBLICATION

4/10/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/8/2008.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **12115**

Date: **3-25-08**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001000				6150				325.00

Total: **325.00**

Rec

From: **Gilman & Schmidt LLC**

For: **7000 Rockland Hills Dr.**

P-t. to Special Hearing

ITEM 1001 - CIVIL SP4

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME USM

3/25/2008 3/25/2008 09:23:47

005 WALKIN DOOL IND

>>RECEIPT # 437054 3/25/2008 10:10

Rept 5 528 ZONING VERIFICATION

012115

Rept Tot: 325.00

325.00 1.00 14

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 2008.0446.SPH

Petitioner/Developer: ANSHE EML

AITZ CHAIM-TIEERETH

Date of Hearing/Closing: 4-23-08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews ((410) 887-3394)

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

7000 ROCKLAND HILLS DRIVE

The sign(s) were posted on 4-8-08
(Month, Day, Year)

Sincerely,

Robert Black 4-9-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2008 - 0446 - JPH
Petitioner: JEFFREY L. FORMAN
Address or Location: 406 W. PENNSYLVANIA AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: LAWRENCE E. SCHMIDT
Address: 600 WASHINGTON AVE.
SUITE 200
TOWSON, MD 21204
Telephone Number: (410) 821-0070

Revised 2/20/98 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 3, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0446-SPH

7000 Rockland Hills Drive

W/side of Rockland at a distance of 78 feet +/- north of c/line of Old Pimlico Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Anshe Emunah-Aitz Chaim-Tifereth

Special Hearing to confirm that preparation of food with religious restrictions is a permitted accessory use; and for such and further relief as may be required.

Hearing: Wednesday, April 23, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, Gildea & Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Jeffrey Forman, Esq., 406 West Pennsylvania Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 8, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 8, 2008 Issue - Jeffersonian

Please forward billing to:
Lawrence Schmidt
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0446-SPH

7000 Rockland Hills Drive

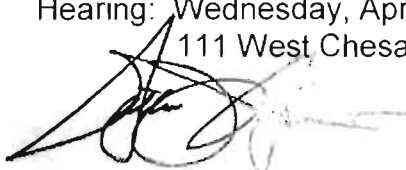
W/side of Rockland at a distance of 78 feet +/- north of c/line of Old Pimlico Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Anshe Emunah-Aitz Chaim-Tifereth

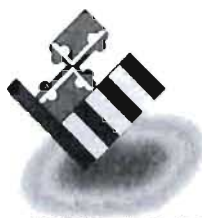
Special Hearing to confirm that preparation of food with religious restrictions is a permitted accessory use; and for such and further relief as may be required.

Hearing: Wednesday, April 23, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

April 16, 2008

Lawrence E. Schmidt
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Dear Mr. Schmidt:

RE: Case Number: 08-446-SPH, 7000 Rockland Hills Drive

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 25, 2008. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf
Enclosures

c: People's Counsel
Anshe Emunah-Aitz Chaim-Tifereth Jeffrey L. Forman, Esquire 406 West Pennsylvania Avenue Towson 21204

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: April 1, 2008

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For April 7, 2008
Items Nos. 08-441, 442, 443, 445,
446, 447, 448, and 449

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk

cc: File

ZAC-04072008-NO COMMENTS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 4, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 31, 2008

Item Number: 441,442,443,444,445,446,447,449

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: April 4, 2008

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 8-446-SPH
7000 ROCKLAND HILLS DR.
ANSHE EMUNAH-AITZ
CHAIM TIFERETH
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-446-SPH

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director
Department of Permits and
Development Management

DATE: April 8, 2008

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 7000 Rockland Hills Drive

INFORMATION:

Item Number: 08-446

Petitioner: Anshe Emunah-Aitz Chaim-Tifereth

Zoning: DR 2/DR16

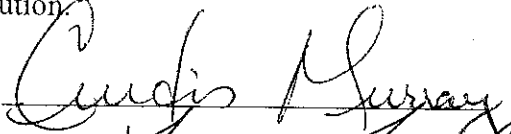
Requested Action: Special Hearing

The subject property is improved with a synagogue, playground and parking lot.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the requested special hearing, as it seems reasonable that preparation of food with religious restrictions is an accessory use to the principal use of religious institution.

Prepared By:



Division Chief:

AFK:LL:CM



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
7000 Rockland Hills Drive; W/S Rockland
Hills Drive, 78' N of c/line Old Pimlico Rd * ZONING COMMISSIONER
3rd Election & 2nd Councilmanic Districts
Legal Owner(s): Anshe Emunah-Aitz Chaim* FOR
-Tifereth & Jeffrey Forman, Esquire
Petitioner(s) * BALTIMORE COUNTY
* 08-446-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

APR 03, 2008

Per. *ka*

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of April, 2008, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME Moses
CASE NAME OS-MONTEFIORE
CASE NUMBER OS-746-SPH
DATE 4/23/08

[illegible]

**Pikesville-Greenspring
Community Coalition, Inc.**
3004 Old Court Road, Pikesville, MD 212
410 486-6420 ph / 410 484-8184 fax —
PGCC Inc@aol.com

Mical E. Wilmoth Carton
Executive Director

CASE NAME Moss Monty Dore
CASE NUMBER CR 1146-05PH
DATE 4/23/08

NAME _____

CITY, STATE, ZIP

E-MAIL

MICAL Wilmoth Carter

3004 Old Coast Rd

BALTO, MD 21208

PGC Inc@aol.com

Case No.:

08-446-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	prior zoning case from 1997	
No. 3 A+B	aerial photographs	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

BEFORE THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN RE:

PETITIONS FOR SPECIAL HEARING
AND ZONING VARIANCE

NORTHWEST CORNER OF ROCKLAND HILLS
DRIVE AND OLD PIMLICO ROAD INTER-
SECTION (7000 ROCKLAND HILLS
DRIVE) THIRD ELECTION DISTRICT,
SECOND COUNCILMANIC DISTRICT

RMS NOMINEE, INC. FOR
ANSHE EMUNAH-AITZ CHAIM TIFERETH
ISRAEL CONGREGATION, INC.
t/a LIBERTY JEWISH CENTER

Petitioner.

Case No. 92-497-SPHA

OPINION AND ORDER

People's Counsel noted an appeal from the affirmative decision of the Deputy Zoning Commissioner of Baltimore County, dated August 19, 1992, in the above-captioned matter. The appeal was heard before the County Board of Appeals on February 9, 1993. RMS Nominee, Inc., As Nominee for Anshe Emunah-Aitz Chaim Tifereth Israel Congregation, Inc., trading as Liberty Jewish Center ("LJC"), was represented by its attorneys, Ann Clary Gordon, Joel I. Sher and Shapiro and Olander, P.A. David S. Thaler was present as LJC's expert. No other protestants or interested parties appeared. Testimony was reviewed and the parties have agreed that relief shall be granted in accordance with the findings of the Zoning Commissioner as modified and clarified hereinbelow:

Accordingly, it is this 18th day of February, 1993;

ORDERED by the Baltimore County Board of Appeals:

1. That the special exception granted in prior case 74-265-X for country club use of the property which is the subject of these petitions, be removed;

2. That the existing religious building and its parking complies to the extent possible with the Residential Transition Area ("RTA") requirements and is compatible with the character and general welfare of the surrounding community, pursuant to Section 1B01.1.B.1.c.6 of the Baltimore County Zoning Regulations ("BCZR");

3. That relief from Section 409.4 of the BCZR be granted to permit direct access from certain off-street parking spaces to vehicular travelways, all as more particularly described in LJC's Exhibit 1; namely, the Plan labelled "Plat to Accompany Variance and Special Hearing", prepared by D.S. Thaler & Associates, Inc. and approved by the County Review Group on December 3, 1992 (the "Plan");

4. That the density, development and use reflected on the Plan be granted, subject only to compliance with the following conditions:

a. That the maximum height of the new residential buildings to be constructed within the RTA shall not exceed 35 feet;

b. That the zoning use line shown on the Plan shall become the lot line (i.e., ownership line) for the Synagogue site (consisting of approximately 2.67 acres, more or less), but subject nevertheless to the Synagogue's right to use the existing parking lot in the area shown on the Plan as the "Special Hearing

Area" consisting of approximately .95 acres, more or less (the "auxiliary parking area") on a non-exclusive easement basis, together with, if necessary from time to time, the occupants of the residences to be constructed;

c. That said auxiliary parking area will remain as is without fencing so that access to, and use of, such auxiliary parking area is readily available from the Synagogue site.

It is further found that the density calculation (that is, 74 condominium units) and other matters required to effectuate the Plan complies with Bill No. 2-92 in that the Plan and density reflected thereon complies with zoning regulations in effect at the time of filing of the Plan (i.e., January 31, 1992).

William T. Hackett
William T. Hackett, Chairman

Harry Buchheister
Harry Buchheister

S. Diane Levero
S. Diane Levero

Jolly Rd

Jolly Rd

Old Willow Rd

Rockland Hills Dr

Old Pimlico Rd

Old Pimlico Rd

PETITIONER'S

EXHIBIT NO. 3A



PETITIONER'S
EXHIBIT NO. 3B



DR 2

DR 16

MLR

OR 1

POB

7000 Rockland Hills Drive
3/20/08
1"=200'
Map 69A3
CMR # 2000102.2

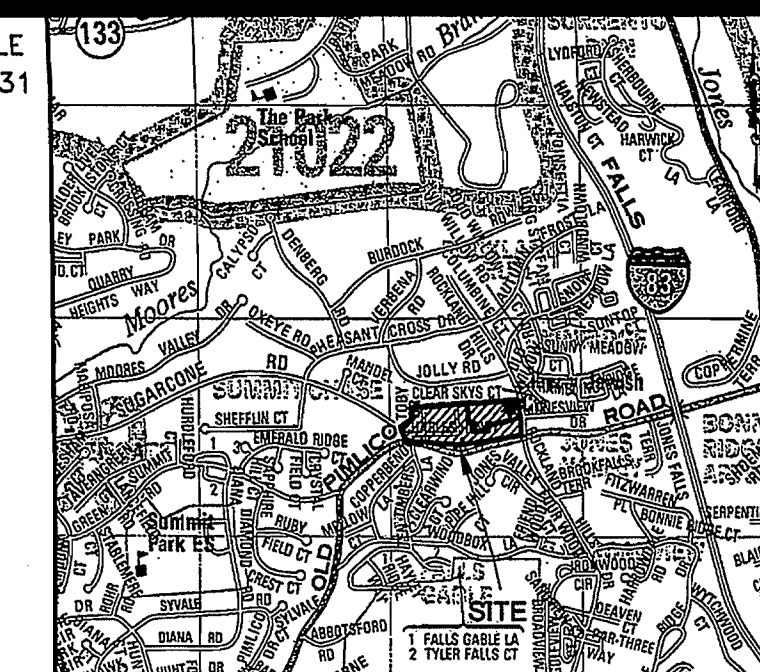


NOTES CONTINUED:

ACCORDINGLY, IT IS THIS 18TH DAY OF FEBRUARY, 1993; ORDERED BY THE BALTIMORE COUNTY BOARD OF APPEALS:

1. THAT THE SPECIAL EXCEPTION GRANTED IN PRIOR CASE 74-265X FOR COUNTRY CLUB USE OF THE PROPERTY WHICH IS THE SUBJECT OF THESE PETITIONS, BE REMOVED;
2. THAT THE EXISTING RELIGIOUS BUILDING AND ITS PARKING COMPLIES TO THE EXTENT POSSIBLE WITH THE RESIDENTIAL TRANSITION AREA (RTA) REQUIREMENTS AND IS COMPATIBLE WITH THE CHARACTER AND GENERAL WELFARE OF THE SURROUNDING COMMUNITY, PURSUANT TO SECTION 1801.1.B.1.C.6 OF THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR");
3. THAT RELIEF FROM SECTION 400.4 OF THE BCZR BE GRANTED TO PERMIT DIRECT ACCESS FROM CERTAIN OFF-STREET PARKING SPACES TO VEHICULAR TRAVELWAYS, ALL AS MORE PARTICULARLY DESCRIBED IN LIC'S EXHIBIT 1; NAMELY, THE PLAN LABELED "PLAN TO ACCOMPANY VARIANCE AND SPECIAL HEARING", PREPARED BY D.S. THALER & ASSOCIATES, INC. AND APPROVED BY THE COUNTY REVIEW GROUP ON DECEMBER 3, 1992 (THE "PLAN");
4. THAT THE DENSITY, DEVELOPMENT AND USE REFLECTED ON THE PLAN BE GRANTED, SUBJECT ONLY TO COMPLIANCE WITH THE FOLLOWING CONDITIONS:
 - a. THAT THE MAXIMUM HEIGHT OF THE NEW RESIDENTIAL BUILDINGS TO BE CONSTRUCTED WITHIN THE RTA SHALL NOT EXCEED 35 FEET;
 - b. THAT THE ZONING USE LINE SHOWN ON THE PLAN SHALL BECOME THE LOT LINE (I.E. OWNERSHIP LINE) FOR THE SYNAGOGUE SITE, CONSISTING OF APPROXIMATELY 2.67 ACRES, MORE OR LESS, BUT SUBJECT NEVERTHELESS TO THE SYNAGOGUE'S RIGHT TO USE THE EXISTING PARKING LOT IN THE AREA SHOWN ON THE PLAN AS THE "SPECIAL HEARING AREA" CONSISTING OF APPROXIMATELY 36 ACRES, MORE OR LESS (THE "AUXILIARY PARKING AREA") ON A NON-EXCLUSIVE EASEMENT BASIS, TOGETHER WITH, IF NECESSARY FROM TIME TO TIME, THE OCCUPANTS OF THE RESIDENCES TO BE CONSTRUCTED;
 - c. THAT SAID AUXILIARY PARKING AREA WILL REMAIN AS IS WITHOUT FENCING SO THAT ACCESS TO, AND USE OF, SUCH AUXILIARY PARKING AREA IS READILY AVAILABLE FROM THE SYNAGOGUE SITE.

IT IS FURTHER FOUND THAT THE DENSITY CALCULATION (THAT IS, 74 CONDOMINIUM UNITS) AND OTHER MATTERS REQUIRED TO EFFECTUATE THE PLAN COMPLIES WITH BILL NO. 2-92 IN THAT THE PLAN AND DENSITY REFLECTED THEREON COMPLIES WITH ZONING REGULATIONS IN EFFECT AT THE TIME OF FILING OF THE PLAN (I.E., JANUARY 31, 1992).



NOTES:

1. OWNER: ANSHE EMUNAH-AITZ CHAIM-TIFERETH ISRAEL CONGREGATION INC. (LIBERTY JEWISH CENTER)
7000 ROCKLAND HILLS DRIVE
BALTIMORE, MD 21209
2. SITE DATA:
ADDRESS: 7000 ROCKLAND HILLS DRIVE
BALTIMORE, MD 21209

TAX ACCOUNT #: 2200020842 (LOT 1);
MAP 69, PARCEL 729
PLAT REF.: 66/141
ZONED: DR 2 AND DR 16
TOTAL SITE AREA (WITH EASEMENT): 3.62± ACRES (157,687± SF)
3. EXISTING USE: SYNAGOGUE
PROPOSED ADDITIONAL USE: PREPARATION OF FOOD WITH RELIGIOUS RESTRICTIONS AS AN ACCESSORY USE
5. EXISTING FLOOR AREA: 15,527 SF
MAXIMUM FLOOR AREA RATIO ALLOWED: N/A
6. THIS SITE IS NOT IN A 100-YEAR FLOODPLAIN.
7. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
8. PARKING IS DURABLE, DUSTFREE, AND PERMANENTLY STRIPED.
9. THIS SITE IS NOT IN A HISTORIC DISTRICT, AND THE BUILDING IS NOT HISTORIC.
10. SETBACKS:
FRONT: REQUIRED- 30'; EXISTING- 289'±
REAR: REQUIRED- 30'; EXISTING- 26'±
SIDE: REQUIRED- 25'; EXISTING 154'± AND 67'±
11. PREVIOUS COMMERCIAL PERMITS: PERMIT # P644041, A PLUMBING PERMIT, APPLIED FOR ON SEPTEMBER 20, 2006.
12. ZONING HISTORY:

SPECIAL EXCEPTION: CASE NO. 74-265X FOR A COUNTY CLUB GRANTED 8-18-74 SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. PROPERTY SHALL BE USED FOR THE OPERATIONS OF A PRIVATE COUNTY CLUB.
2. THERE SHALL BE NO "PUBLIC BAR" OR "OFF SALE PACKAGE STORE" FOR THE SALE OF ALCOHOLIC BEVERAGES.
3. INGRESS AND EGRESS TO BE RETAINED OFF PHEASANT CROSS ROAD AND ONE ADDITIONAL ACCESS OFF RELOCATED OLD PIMLICO ROAD, BUT NO THRU TRAFFIC FROM SITE INTO GREENGATE DEVELOPMENT.
4. NEITHER ENTERING INTO AGREEMENT NOR REFRAINING FROM OBJECTING TO THE GRANTING OF THE S.E., SHALL BE DEEMED TO BE OR UNDER ANY CIRCUMSTANCES INTERPRETED TO BE A WAIVER OF ANY RIGHTS OF ANY PARTY UNDER THE PARK AGREEMENT (4877/314).
5. RESTRICTIONS & LIMITATIONS ON THE S.E. PROPERTY SHALL BE BINDING FROM MERCANTILE SO LONG AS THEY OWN THE PROPERTY.

SPECIAL HEARINGS: CASE NO. 90-66SPHXA: SPECIAL HEARING

1. TO PERMIT A BUILDING LENGTH OF 380'± IN LIEU OF 300'.
2. LAND NOT DEDICATED TO A PARTICULAR USE TO BE AVAILABLE FOR DENSITY PURPOSES ON A MIXED USE SITE.
3. VARIANCE: TO PERMIT A BLDG. HT. OF 68'± IN LIEU OF 50' IN A DR-2 & IN LIEU OF 60' IN A DR-16 ZONE. REQUESTS WERE WITHDRAWN 11-13-84. THE CASE WAS DISMISSED 8-9-90.

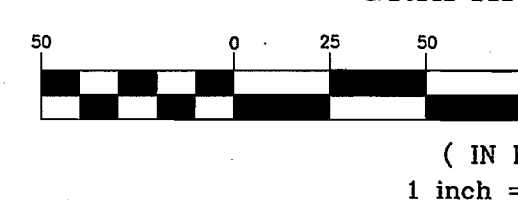
SPECIAL HEARING: CASE NO. 92-497-SPHA. FOLLOWING APPROVAL BY THE ZONING COMMISSIONER ON 8/19/92, THE CASE WAS APPEALED. THE BOARD OF APPEALS, ON 2-18-93, ORDERED:

OPINION AND ORDER
PEOPLE'S COUNSEL NOTED AN APPEAL FROM THE AFFIRMATIVE DECISION OF THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY, DATED AUGUST 19, 1992, IN THE ABOVE-CAPTIONED MATTER. THE APPEAL WAS HEARD BEFORE THE COUNTY BOARD OF APPEALS ON FEBRUARY 9, 1993. RMS NOMINEE, INC., AS NOMINEE FOR ANSHE EMUNAH-AITZ CHAIM TIFERETH ISRAEL CONGREGATION, INC., TRADING AS LIBERTY JEWISH CENTER (LIC), WAS REPRESENTED BY ITS ATTORNEYS, ANN CLARY GORDON, JOEL I. SHER AND SHAPIRO AND GLANDER, P.A. DAVID S. THALER WAS PRESENT AS LIC'S EXPERT. NO OTHER PROTESTANTS OR INTERESTED PARTIES APPEARED. TESTIMONY WAS REVIEWED AND THE PARTIES HAVE AGREED THAT RELIEF SHALL BE GRANTED IN ACCORDANCE WITH THE FINDINGS OF THE ZONING COMMISSIONER AS MODIFIED AND CLARIFIED HEREINBELOW:
SEE NOTES CONTINUED

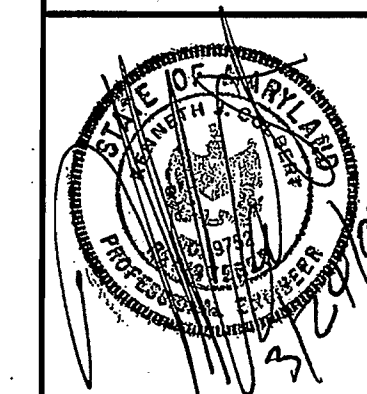
PLAN TO ACCOMPANY SPECIAL HEARING PETITION LIBERTY JEWISH CENTER #7000 ROCKLAND HILLS DRIVE PLAT BOOK 66 FOLIO 141

3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT
TAX MAP 69 - GRID 19 - PARCEL 729 - LOT 1 &
PORTION OF LOT 2

BALTIMORE COUNTY, MD.
GRAPHIC SCALE



PETITIONER'S
EXHIBIT NO. 1



Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



NO.		DATE	REVISIONS:	BY	SHEET 1 OF 1
SCALE: 1"= 50'		DATE: 03/24/08	JOB NO.: 2000102.2	DESIGNED:	
				DRAWN: DSL	
				CHECKED: JMF/KJC	
				FILE: 2000102.2\ZONING	
				DRAWING NUMBER: ZON-1	

SCALE OF THIS INSERT: 1"=100'

AREA OF SPECIAL HEARING IS
HATCHED AREA ONLY

ROCKLAND HILLS DRIVE

OLD PIMLICO ROAD

JOLLY ROAD

GREENGATE SECTION 5 "BLOCK J" PLAT 38/77

NEWMAN ARVIN R
NEWMAN SUSAN M
2104 SUGARCONE RD
DEED 6367/665

SUGARCONE ROAD
40' PAVING (60' R/W)

LOT - 2

EX. CONDOMINIUM
BUILDING
(TYP.)

EX. SWM FACILITY

PETITION REQUEST:

- 1) CONFIRM THAT PREPARATION OF FOOD WITH RELIGIOUS RESTRICTIONS IS A PERMITTED ACCESSORY USE; AND
- 2) FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED.

COMAR 09.23.03.10
Professional Certification
I hereby certify that these
documents were prepared or
approved by me, and that I am a
duly licensed professional engineer
under the laws of the State of
Maryland.
License No. 9752
Expiration Date: 2/28/10